

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORKIN RE LOWER MANHATTAN DISASTER SITE
LITIGATION

Case No. 21 MC 102 (AKH)

VINCENT CIARIELLA,

Case No. 07 CV 5343

Plaintiff, : **STIPULATION OF
DISCONTINUANCE
AS TO DEFENDANT
AMEX SEAT OWNERS
ASSOCIATION, INC. ONLY**

AMERICAN EXPRESS BANK, LTD., et al.,

Defendants. :

IT IS HEREBY STIPULATED AND AGREED by and between the undersigned for the parties herein, that whereas no party herein is an infant, incompetent person for whom a committee has been appointed or conservatee and no person not a party has an interest in the subject matter of this action and based on the representation of the within defendant, and to the extent Plaintiff can so Stipulate that each claim, cross-claim and counter-claim asserted by and against Defendant AMEX SEAT OWNERS ASSOCIATION, INC., only as to the claims being made as to the premises located at 86 Trinity Place, New York, New York, shall be and the same hereby are discontinued without prejudice and without costs to any party as against the other.

IT IS FURTHER STIPULATED AND AGREED that should evidence be discovered throughout the course of the litigation which determines that AMEX SEAT OWNERS ASSOCIATION, INC. is proper party to this suit, that Plaintiff may reinstitute the action without regard to the applicable Statute of Limitations, assuming said original action was timely

commenced, and in such instance Defendant shall not assert Statute of Limitation as a defense.

This Stipulation may be filed without further notice with the Clerk of the Court.

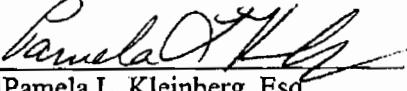
Dated: New York, New York
August 1, 2007

**WORBY GRONER EDELMAN
& NAPOLI BERN, LLP**
Attorneys for Plaintiff

By: 

Christopher R. LoPalo, Esq.
115 Broadway, 12th floor
New York, NY 10006
(212) 267-3700

SILLER WILK LLP
Attorneys for Defendant AMEX Seat
Owners Association, Inc.

By: 

Pamela L. Kleinberg, Esq.
675 Third Avenue, 9th Floor
New York, NY 10017
(212) 421-2233

SO CERTIFIED: 8/9/07


U.S.D.L.